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# YALE LAW JOURNAL

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SELDOM has the mission of political parties been so clearly defined; seldom have Politics and Patriotism been more widely separated than in the present presidential campaign. Political parties as the means by which the people may express their will deserve the highest respect and honor; but political parties as the demagogic leaders of unwilling constituents should be regarded with the greatest distrust. The reason and excuse for party organizations are the advantages which they present for expressing and enforcing the will of the people. They are political instruments and nothing more. Their mission is to bring out the main question in issue, to harmonize as far as possible minor differences in order to unite upon a great principle, and, in a word, to subordinate the less to the greater. So long as this is the limit of their authority and so long as their members are united on the great question in issue, so long do these organizations deserve support. But when disagreements are not on minor but on major points, not on details but on principles, then the excuse and reason for their existence are gone and *cessante ratione, cessat ipsa lex*. Duty to party in this campaign is of a very peculiar character, but if duty to party is placed above duty to principle the future of democratic government is by no means certain.

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## EDITORIALS.

ONE of the avowed objects of bi-metallism is to secure as far as possible an unchanging standard of values for the payment of long contracts. Dissatisfaction with the present gold standard is expressed by bi-metallic advocates because of an alleged appreciation of gold in the past and because of their fear of a further and greater appreciation in the future. If the volume of the present gold standard were enlarged by the addition of silver it is claimed that an increase or reduction in the total amount of the two metals would be less noticeable and less productive of a change in their relative values than a corresponding increase or reduction in the volume of a single standard, while a demand for one would cause such an abatement in the supply of the other as to bring the value of the two metals together.

In applying this theory to the United States it appears that the evil has been exaggerated and that the remedy is worse than the evil. The appreciation of gold, according to statistics, has been very small, if at all. Wages are higher than they used to be, and products, eliminating the results due to increased competition and improved facilities for transportation, sell for practically as much to-day as they did when silver was demonetized. On the other hand, silver has most certainly depreciated, and during the last twenty years has fallen to about one-half its former value. The proposed remedy, then, for this ephemeral evil, is the addition of a depreciated and depreciating metal to an approximately unchanging measure of values in order to render the latter more constant. There can be little doubt as to the result of this plan if adopted.

But without becoming liable to a charge of perversion or misstatement of facts it may be most fairly asserted that the appreciation of gold, if there has been any, has been much less than the depreciation of silver, and while it is most difficult to make out even a *prima facie* case for the former theory, it is apparent to all that silver has had a tremendous fall. Regarding then the subject in this light and assuming that it is possible for these two metals to circulate side by side, on a bi-metallic basis, we are even then forced to admit that the standard of values as it would exist under bi-metallism would be far more changing than the standard of values under the present system. If during the past twenty years our standard had consisted of two metals, one of which had appreciated an almost inappreciable amount, while the other had depreciated to almost half its former value, it is certain that the fluctuation in the value of our medium of exchange would have been far greater even than that fluctuation

which is claimed to have taken place by the enemies of the present standard. Long contracts made in the past would be paid in a medium of exchange whose numerical value had remained the same, but whose real value had greatly fallen, while long contracts, payable in the future, would be made with the greatest temerity or, most likely, not at all. The plan of bi-metallism which this country is urged to adopt is as reasonable as would be an attempt to purify a stream of water by making it a repository for sewage. An aggravation of the very evil which bi-metallism aims to avoid would be the first result of its adoption.

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ONE of the fundamental doctrines of our Government finds expression in the separation of its legislative and judicial departments; one of the greatest safeguards of our highest judicial tribunal is the principle of life tenure. And yet the platform of one of our political parties in the present campaign declares that it is "opposed to life tenure in the public service," and urges Congress to use "all constitutional power" to cause the reversal of one of the United States Supreme Court decisions.

The conditions, of which these expressions are evidence, are even more serious than the money question, for while the latter is a question of policy the former is a question of constitutional and national integrity. It may be argued that the clauses directed against our highest judicial authority are not now endorsed, that if the Chicago platform were to be revised these clauses would not be incorporated in the new edition, and that they would have been rejected before the adoption of the platform had it not been for the all-pervading haste that characterized the convention which gave them birth. But these reassurances do not reassure. According to the principle that a written instrument should be construed as a whole we must look to the entire platform as adopted for a full expression of its principles. The discharge of an obligation by a payment only half as large as contracted for is regarded lightly, if not endorsed. The use of federal powers to enforce federal rights is discouraged and denounced. A method of taxation, which has been declared unconstitutional, is recommended, and the revolutionary principle adopted that if the court's judgment does not coincide with their wishes, they will take means to change the judges, the means being another unconstitutional measure, the abolition of life tenure.

Such is the document which we are told to receive as our articles of political faith and to endorse as an expression of our principles! The disposition of this document, taken as a whole, is undoubtedly antagonistic to honest and conservative government, and a menace to the peace and good order of society, while the spirit which pervades it compels the belief that its result if not its aim would be to impair the integrity of the Supreme Court of the United States.

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THOSE who have heretofore depreciated the power and value of public speaking at the present day, must by this time be thoroughly convinced of their error. The occurrences of the past few months have certainly demonstrated that masses may still be controlled by the force of one man's individuality, and have caused the fables concerning the achievements of Greek and Roman orators to seem less fabulous and more real than before. The nomination of the Presidency of the United States and the Republican gubernatorial nomination of New York State were both mainly obtained by reason of an ability to say what others had often thought but had seldom so well expressed. No peculiar power besides that of public speech was necessary, no learning but that possessed by average educated men. The toil and success of years counted as little when weighed against the inspiration and impulse of the moment. Few better examples of the force and power of public speaking, whether for the good or for the bad, could be found. If this force is used for the good, no one can gainsay its usefulness; if used for the bad, there should be an equal force to oppose it. The opportunities in the Law School for public debate are many and by those who hope to practice in the courts or to enter public life they should be most highly prized and zealously cultivated. The recent success of Yale in debating was due to persistent and hard work; the success of the individual has been and will be due to the same causes.

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THE extension of the course at the Yale Law School from two to three years marks a stage in its progress. It is not only that a degree from its faculty is hereby made more valuable but it is also evidence that the resources of the graduate and undergraduate departments have been developed and increased. The advisability, however, of pursuing the three years' course or of combining the work so as to graduate in two years must

depend mainly upon the circumstances and the individual. To the Junior class the JOURNAL offers its congratulations upon the increased opportunities which they are to enjoy and hopes that their relation to the school will be as instructive and profitable as has been that of their predecessors. To those Seniors who expect to practice law in the State of New York the course on New York Practice offered by Mr. Charles W. Pierson will be most necessary and valuable.

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WE note with pleasure the nomination of the chairman of the last editorial board of the JOURNAL for Judge of Probate for the District of Stamford, Connecticut, on the Republican ticket. As a lawyer and as a man Mr. Taylor stood high in the estimation of the faculty and of his fellow students, and we feel certain that he will prove worthy of any confidence, public or private, which may be placed in him. His election would be a cause for congratulation to the Law School and to his constituents.